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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,491	12/04/2003	Yoshio Mukaiyama	10517/199	7538
23838	7590	05/18/2005	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			NGUYEN, THU V	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,491

Applicant(s)

MUKAIYAMA, YOSHIO

Examiner

Thu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/04/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure filed on December 4, 2003 has been considered. A copy of the form 1449 with the examiner initialed and signature is herein provided.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al (US 2003/0125846) in view of Breed et al (US 2002/0198632) and further in view of Ogura et al (US 6,317,682).

As per claim 1, Yu teaches a communication apparatus capable of establishing two way communication with a foreign moving object, the apparatus comprises: collection device for collecting a plurality of pieces of information (para 0083-0086); selection device for selecting pieces of information to be transmitted to the foreign moving object and a transmission device that transmits only the selected pieces of information to the foreign moving object (para 0043; 0051). Yu does not explicitly teach that the communication apparatus should be implemented in a vehicle and the selection device selects pieces of information in accordance with an emergency level. However, Yu suggest implementing a communication system on a vehicle capable of

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transmitting a selected information to other foreign moving object (para 0057), further, Breed teaches that a communication apparatus can be implemented either at a fixed location or in a vehicle (para 0348, 0345). Moreover, Ogura teaches selecting pieces of information to be transmitted in accordance with an emergency level (col.12, lines 1-17; col.10, lines 29-3). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the communication apparatus of Yu to a vehicle as suggested by Breed and to transmit information according to the emergency level as taught by Ogura in order to facilitate communication between moving objects and to prevent increase in unimportant information.

As per claim 2-5, Yu teaches selecting information according to a type of the foreign moving object (para 0051, 0043) or the relationship between the vehicle and the foreign moving object and a circumstance in which the foreign object run (para 0044). Moreover, Yu teaches selecting information according to user preference of the foreign moving object (para 0040), further, generating request for information would have been well known.

As per claim 17, refer to claim 1 above.

3. Claims 6-10, 12-16, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al (US 2003/0125846) in view of Breed et al (US 2002/0198632) and further in view Ogura et al (US 6,317,682) and Taylor (US 2003/0169185).

As per claim 6-10, Breed teaches the capability of transmitting emergency messages at priority level (para 0349; 0300-0302). Moreover, Taylor teaches determining an emergency

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level with the foreign object on the basis of relationship between the vehicle and the foreign object, determining foreign object to be communicated with, and providing information concerning emergency level (para 0054; 0076; 0095-0135); moreover, changing frequency in accordance with the emergency level for adjusting the frequency of message sending would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the capability of categorizing information into different emergency level in order to facilitate providing warning to the user accordingly.

As per claim 12-16, refer to claims 1, 7-8 above. Moreover, Breed teaches the moving object reception device and the capability of providing emergency information and collision avoidance (para 0300-0302), furthermore, Taylor teaches including the capability of recognizing emergency level from a received information (para 0095-0135), moreover, processing data according to the emergency level would have been well known.

As per claim 18, 20, refer to claim 6, 12 above.

4. Claims 11, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al (US 2002/0198632) in view of Yu et al (US 2003/0125846) and further in view of Ogura et al (US 6,317,682).

As per claim 11, 19, Breed teaches a vehicular communication apparatus for bi-directional communication. The apparatus comprises: a transmission device for transmitting information including an identification code for the foreign moving object to identify the vehicle,

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a reception device and the detection device (para 0344-0345). Breed does not explicitly teach a collection device, a selection device as claimed and does not explicitly disclose selecting information in accordance with an emergency level. However, Yu teaches the collection and the selection device (refer to claim 1 above) and Ogura teaches selecting information according to the emergency level (refer to claim 1 above). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the collection and selection device of Yu to the system of Breed, and to select the information according to the emergency level as taught by Ogura in order to facilitate transmitting only emergency information to the foreign moving objects of Breed.

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

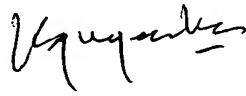
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 9, 2005


THU V. NGUYEN
PRIMARY EXAMINER